

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY BARBARA,	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION
	:	NO. 09-5969
TD BANK, N.A.,	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 14th day of May, 2010, upon review of Plaintiff's Motion For Leave to Amend the Complaint [Doc. No. 12], Defendant's response thereto, and Plaintiff's reply, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Plaintiff's Motion is **DENIED**.

Upon review of Defendant's Motion for Judgment on the Pleadings [Doc. No. 13], Plaintiff's response, Defendant's reply and Plaintiff's sur-reply, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion is **GRANTED**. Accordingly, the case is **DISMISSED** without prejudice.

The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFE, J.